

REMARKS

Claims 1, 2, 4, 7, 9, and 10 are pending in this application. By this Amendment, Applicants amend the specification to include the term "linking." Support for the amendment may be found at least on page 13, lines 14 - 22; page 18, lines 8 - 14; and Figs. 2A and 2B. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Stork in the October 6 personal interview. Applicants incorporate a separate record of the substance of the interview into the following remarks.

Applicants respectfully assert that entry of the amendment is proper under 37 CFR §1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration because the amendment simply makes explicit a feature previously discussed throughout prosecution and previously agreed to be implicit in the original disclosure and figures; (c) satisfies a requirement of form asserted in the previous Office Action, by addressing the §112, first paragraph rejection; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to a rejection first raised in the final rejection by a different examiner in spite of the previous examiner's acquiescence in the use of the term "linking." Applicants thus respectfully request entry of the amendment.

The Office Action rejects claims 4, 7, 9, and 10 under 35 U.S.C. §112, first paragraph, for lacking written description in the specification. Applicants respectfully traverse the rejection.

The Office Action alleges that the term "linking" in claims 9 and 10 is not found in the specification. By this Amendment, Applicants amend the specification to include the term "linking." As discussed during the personal interview, the addition of the term linking to the specification is not new matter because it is apparent from at least page 13, lines 14 - 22; page 18, lines 8 - 14; and Figs. 2A and 2B that the claimed "linking" elements are the elements that link the claimed "partial structures" together. Furthermore, even though the term "linking" was not explicitly included in the original disclosure, the "[m]ere rephrasing of a passage does not constitute new matter" (MPEP §2163.07(I) and *In re Anderson*, 471 F.2d 1237 (CCPA 1973)). Thus, because Figs. 2A and 2B clearly show that the partial structures are linked by elements (e.g., elements 3, 13, 14, and 8), it is permissible to rephrase the passage describing those figures to include the term "linking."

As discussed above the amendment should at least be entered because it is responsive to a requirement of form (see MPEP §§2163-2163.07 indicating that §112, first paragraph, deal with requirements as to the form of the claim). In particular, as required by MPEP §2163(III), regardless of an outstanding §112, first paragraph rejection, "Office personnel must complete the patentability determination under all of the relevant statutory provisions of Title 35 of the U.S. Code." Thus, due to the absence of additional rejections, claims 4, 7, 9, and 10 are allowable over the prior art.

Furthermore, even if the above amendment to the specification is not entered under 37 C.F.R. §1.116, Applicants respectfully assert that the term linking is still supported by at least page 13, lines 14 - 22; page 18, lines 8 - 14; and Figs. 2A and 2B of the original disclosure. "The subject matter of a claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement" (MPEP §2163.02). Rather, claim limitations may be implicitly or inherently supported in the originally filed disclosure (MPEP §2163.05).

Because 1) the above amendment to the specification is not new matter and should be entered under 35 U.S.C. 1.116, and/or 2) the term linking is supported in the original disclosure, the 35 U.S.C. §112, first paragraph rejection is improper. Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1 and 2 under 35 U.S.C. §102(b) over U.S. Patent 5,878,421 to Ferrel et al. (hereinafter "Ferrel"). Applicants respectfully traverse the rejection.

This rejection is premised upon the assumption that the term "hierarchical" applies to elements that all exist on the same level or rank (see Office Action page 5, "Response to Argument"). However, as discussed during the personal interview, the relevant definition of "hierarchical" at least requires that there be two levels or ranks, such as a parent and a child (See *Microsoft Computer Dictionary* p. 252 (5th ed. 2002)).

In view of this definition, Ferrel fails to disclose, teach, or suggest both first structural information and second structural information, each having a hierarchical structure, as recited in claims 1 and 2. As correctly recognized by the Office Action, the alleged elements of the first structural information all exist on a same level of the tree. Accordingly, they cannot reasonably be considered to have a hierarchical relationship.

Because Ferrel fails to disclose, teach, or suggest both first structural information and second structural information, each having a hierarchical structure, claims 1 and 2 are patentable over Ferrel. Applicants respectfully request withdrawal of the rejection.

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1, 2, 4, 7, 9, and 10.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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